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USPTO

COMMISSIONER FOR PATENTS
P.O. Box 1450,
Alexandria, VA 22313-1450

Feb 27th, 2006

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON
FAILURE TO RECEIVE OFFICE ACTION (NOTICE OF ALLOWANCE AND
FEE(S) DUE WAS NEVER RECEIVED)** Patent Appl No 10/501,085
Inventor- Ralf Oliver Petri
Art Unit 3749
Examiner LU, JIPING

Doc. 1 →
2 pages
On 12/16/05 (date mailed) we recieved an Office communication: NOTICE OF
ABANDONMENT with respect to the patent cited above indicating that the reason for
abandonment was the applicant's failure to timely pay he required issue fee and
publication fee, if applicable , within the statutory period of three months from the
mailing date of the Notice of Allowance (PTOL-85). And the issue fee and publication
fee , if applicable, was not received.

Doc. 2
(2 pages)
The last Office communication we received from The USPTO before 12/16/05 (Notice
of Abandonment (PTOL- 1432) was dated 2/11/2005: " NOTICE OF ACCEPTANCE
OF APPLICATION UNDER 35U.S.C. 371 and 37 CFR 1.495 about the international
application of PCT/ES02/00321 had met the requirements of 35 U.S.C. 371, and was
Accepted for national patentability examination in the United States Patent and
Trademark Office.

As a consequence we never received the Notice of Allowance (PTOL-85).

Doc. 3
As an answer to the communication of 12/16/2005, received on Jan 12th, 2006, and on
Jan 13th, 2006, we sent a fax to The USPT Office in which we mentioned the lack of
receiving of the Notice of Allowance. Inevitably because of not receiving said
communication we could not proceed in sufficient time and way to carry out the
payment of the Issue fee and the Publication fee, if applicable.

As of today we still have not received any notification about the cause or reason for not
receiving the Notice of Allowance.

Doc. 4
(2 pages)
The last notification from The USPT Office is 02/03/06 where the cause of abandoment
of the patent in question is the no payment of the Issue fee. I reiterate that the cause of
the omission of payemnt is due to the lack of communication Notice of Allowance.

WE ASK THAT YOU PLEASE GRANT THIS PETITION AND REMAIL THE
OFFICE ACTION (Notice of Allowance).

IN CASE OF ACCEPTANCE OF THIS PETITION OF REVIVAL WE ASK THAT YOU PLEASE RETURN THE AMOUNT OF \$ 750.00 (small entity) PAID FOR PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137 (b).

Given the number of communications (e-mails, phone calls, etc.) and not receiving a reply about the obligatory payment about the PUBLICATION FEE (\$ 300) for small entities we are proceeding with the payment and in case it is not applicable for small entities we ask that you please return the fee.

Thank you very much for your time and attention.

Respectfully



Oliver Ralf Petri

Doc. 1 (2 pages)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,085	07/09/2004	Ralf Oliver Petri		3619

7590

12/16/2005

Oliver Ralf Petri
Avda. Europa 42-Local
A-Pozuelo De Alarcon
Madrid, 28224
SPAIN

EXAMINER

LU, JIPING

ART UNIT PAPER NUMBER

3749

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

10/501,085

Applicant(s)

Petri

Examiner

Art Unit

LU

3749

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

slk

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Doc. 2
(pages)

Page 1 of 2



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Address: COMMISSIONER FOR PATENTS
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/501,085	Ralf Oliver Petri	

INTERNATIONAL APPLICATION NO.

PCT/ES02/00321

1A. FILING DATE

06/28/2002

PRIORITY DATE

01/16/2002

Oliver Ralf Petri
Avda. Europa 42-Local
A-Pozuelo De Alarcon
Madrid, 28224
SPAIN

CONFIRMATION NO. 3619

371 ACCEPTANCE LETTER

OC000000016124525

Date Mailed: 02/11/2005

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

07/09/200407/09/2004DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and
(c)(4) REQUIREMENTSDATE OF COMPLETION OF ALL 35 U.S.C. 371
REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Indication of Small Entity Status
- Copy of the International Application filed on 07/09/2004
- English Translation of the 1A filed on 07/09/2004
- Copy of the International Search Report filed on 07/09/2004
- Oath or Declaration filed on 07/09/2004
- Request for Immediate Examination filed on 07/09/2004
- U.S. Basic National Fees filed on 07/09/2004
- Priority Documents filed on 07/09/2004

Page 2 of 2

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/303 (371 Acceptance Notice)

Doc. 3

PETITION

US Application Number: 10/501,085
First Named Applicant: Ralf Oliver Petri
International Application Number: PCT/ES02/00321
I.A. Filing Date: 06/28/2002
Priority Date: 01/16/2002

ATTN.
MS. JIPING LU
PRIMARY EXAMINER
ART UNIT: 3749

Jan 12th, 2006:

I have received notification from The USPTO from the examiner LU, JIPING from the ART UNIT 3749; Notification Of Abandonment for reason # 2 (PTOL-85), Applicant failure to pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance and the issue fee and publication fee, if applicable, has not been received.

I am surprised because I didn't receive the allowance notification. I don't know what could have happened. My intention has always been to maintain this patent. I would like to know what I have to do in this situation. And my intention is to pay the expenses involved.

I would appreciate it if you can tell me how to resolve this embarrassing situation. Well the motive of not making the corresponding payment has been the non-reception of the notification by The USPTO. I don't know if the responsibility is with The USPTO or The US Mail or The Spanish Mail. But what is sure is that I have never received this notification.

I think it is understandable that if I weren't interested in this patent I wouldn't be in contact with The USPTO.

If you need to contact me please do so at the following telephone 0034-91-650-2475 or fax number 0034-91-650-6355

In any case I would like to speak to somebody about this matter to resolve it as soon as possible. Quite honestly I am very worried about the situation.

Oliver Ralf Petri

Commissioner For Patents
PO Box 1450
Alexandria, Virginia 22313-1450

US Appl No 10/501,085
First Named Applicant: Ralf Oliver Petri
Intl Appl No: PCT/ES02/00321
I.A. Filing Date 06/28/2002
Priority Date: 01/16/2002

Feb 21st, 2006

Attn: Ms Jiping Lu
Primary Examiner
Art Unit: 3749

Referring to our conversation this afternoon about patent abandonment and about mailing the petition I have decided to fax it after checking the fax number.
This is the second fax I have sent repeating the one from Jan 12th, 2006 sent and of which I have as yet not received a response.
You will find the original fax attached dated Jan 12th, 2006.
I would appreciate it if you would please look into this matter and let me know something as soon as possible.

Thank you for your time and attention.

Sincerely

Joel

Joel A Morrow
Phone 0034-93-342-6820
0034-91-650-2475

Fax 0034-91-650-6355

PS Is there a time limit for the petition.
Please confirm to me the notice of allowance.

Doc. 19
2 page



UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/501,085

EXAMINER

ART UNIT	PAPER
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01262006

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

This application was abandoned for failure to pay issue fee. The Notice of Abandonment mailed on 12/16/2005 clearly set forth how to revive this abandoned application. Applicant's attention is directed to Paragraph 2 of the Attachment of Notice of Abandonment mailed on 12/16/2005 (also see page 4 of applicant's fax sent 1/13/2006).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EHUD GARTENBERG can be reached on 571 272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jiping Lu
Jiping Lu
Primary Examiner
Art Unit: 3749



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,085	07/09/2004	Ralf Oliver Petri		3619

7590

02/03/2006

Oliver Ralf Petri
 Avda. Europa 42-Local
 A-Pozuelo De Alarcon
 Madrid, 28224
 SPAIN

EXAMINER

LU, JIPING

ART UNIT PAPER NUMBER

3749

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

USPTO

Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450,
Alexandria, VA 22313-1450

Feb 27th, 2006

**PETITION TO REVIVE AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY (Under 37 CFR 1.137 (b)**

Patent Appl No 10/501,085
Inventor- Ralf Oliver Petri
Art Unit 3749
Examiner LU, JIPING

In relation to the patent mentioned no 10/501,085 we are attaching the following documents:

***PTO/SB/64 (10-05): PETITION FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137 (b)**

***PTO-2038 (12-2005): Credit Card Payment Form**

Thank you very much for your time and attention.

Respectfully



Oliver Ralf Petri

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FEB 27 2006

PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional)
<p>First named inventor: Ralf Oliver Petri</p> <p>Application No.: 10/501,085</p> <p>Filed: 07-08-2004</p> <p>Title: Microwave mixer/dryer reactor for industrial use</p> <p>Art Unit: 3749</p> <p>Examiner: LU, Jiping</p> <p>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300</p> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional. <p>1. Petition fee</p> <p><input checked="" type="checkbox"/> Small entity-fee \$ <u>750.00</u> (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(m))</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of <u>Fax Letter</u> (Identify type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee and publication fee (if applicable) of \$ <u>1000.00 SMALL ENTITY</u></p> <p><input type="checkbox"/> has been paid previously on _____</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p>		

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

02/28/2006 TL0222 00000001 10501085

01-FC:2501

700.00 OP

02-FC:1504

300.00 OP

PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/patent application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

Feb 24th, 2006

Date

Ralf Oliver Petri

Typed or printed name

Registration Number, if applicable

Avda Europa 42-Local A Pozuelo De Alarcón, Madrid 28224, Spain,

Address

0034-91-650-2475

Telephone Number

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Feb 27th, 2006

Date

Signature

Joel A Morrow

Typed or printed name of person signing certificate

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